

Claim 11 defines a radio terminal apparatus that receives a first signaling signal (hereinafter "SS1") and generates and transmits a second signaling signal (hereinafter "SS2"). When the radio terminal apparatus detects the reception of SS1, it transmits SS2 along with user data at varying transmission power. When the radio terminal apparatus detects that SS1 is no longer being received, it discontinues transmitting SS2 and transmits user data at a fixed transmission power. The Applicants respectfully submits that the applied references, taken alone or in combination, fail to teach or suggest this subject matter.

The Final Rejection proposes that Henry discloses a radio that receives user data and a signaling signal (see Final Rejection page 2, last two lines) and transmits user data and a signaling signal (page 3, first two lines). However, Henry does not disclose any dependency between the received and transmitted signaling signals. More specifically, Henry does not disclose transmitting a signaling signal generated by the radio only while receiving a signaling signal from another device.

Although the Final Rejection proposes that Henry discloses suspending the transmission of the signaling signal when reception of a signaling signal is no longer detected, the Applicant finds no support for this proposal in Henry's disclosure. Specifically, the Final Rejection proposes that

Henry discloses, in column 5, line 7, through column 6, line 35, that a control logic 26 suspends transmission of control signals upon receiving an indication from a processor 46 or 56 that signaling signals are no longer being received (Final Rejection page 3, lines 6-8 and 12-15). However, the cited portion of Henry merely describes control logic 26 as follows. In use, a loopback module 60 helps calibrate a phone 10 using primarily the processor or control logic 26 of the phone 10 to complete the calibration process (Henry col. 5, line 66, through col. 6, line 1). The offsets created by this calibration are stored in a memory 28 of the phone 10 and the phone 10 is ready to ship (col. 6, lines 1-3). In particular, the memory 28 of the phone 10 may have software preprogrammed into the phone 10, or a PC 56 could upload the program at the start of the calibration process (col. 6, lines 3-6). While the control logic 26 is expected to perform all of the calculations detailed below, it is possible to supplement the control logic 26 with the computing power of the PC 56 if needed or desired (col. 6, lines 6-10). It is believed however, that most communication between the PC 56 and the control logic 26 may be eliminated, thereby reducing the calibration time required (col. 6, lines 10-12).

As may be determined by examination of the cited portion of Henry's specification provided above, Henry does not disclose, as

proposed in the Final Rejection, a control logic 26 that suspends transmission of control signals upon receiving an indication from a processor 46 or 56 that signaling signals are no longer being received.

Walton is cited in the Final Rejection only for teaching the transmission of user data at a fixed transmission power and does not supplement the teachings of Henry with respect to the above-described difference between the claimed subject matter and Henry's disclosure.

Moreover, neither Henry nor Walton suggests transmitting at varying transmission power while receiving a signaling signal and transmitting at a fixed transmission power when not receiving the signaling signal. Although the Final Rejection proposes that a skilled artisan would find motivation to combine the feature of a new radio that may communicate at varying power levels with the legacy feature of communicating at fixed power (see Final Rejection page 3, line 20, through page 4, line 2), communicating at fixed and varying transmission power is not similar to the claimed feature.

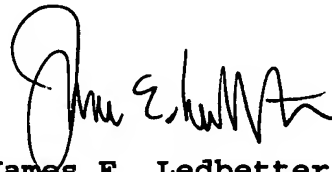
Accordingly, the Applicant submits that the applied references, considered alone or together, do not teach or suggest the subject matter defined by claim 11. Independent claims 13 and 16 similarly recite the above described features

distinguishing apparatus claim 11 from the applied references, although claim 16 does so with respect to a method. Therefore, allowance of claims 11, 13, and 16 and all claims dependent therefrom is warranted.

In view of the above, it is submitted that this application is in condition for allowance and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,



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